

REMARKS

This responds to the Office Action mailed on August 9, 2005, and the references cited therewith.

Claim 100 is amended. Claims 41-44 and 100-108 are pending in this application.

§102 Rejection of the Claims

Claims 100-102, 104, 106 and 108 were rejected under 35 U.S.C. § 102(b) for anticipation by Stevenson et al. (U.S. 5,333,095).

Applicant has amended claim 100 to better describe the subject matter recited in the claim. Applicant believes claim 100 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: "mounting a feedthrough terminal to the passage of the conductive member such that the feedthrough terminal and the conductive member are electrically coupled," as recited in claim 100. In contrast, Stevenson et al. describe that "terminal pin 12 is supported within the ferrule 28 in a spaced nonconductive relation, by means of an insulative mounting ring or bead 30." (Col. 5, lines 64-66).

Claims 101, 102, 104, 106, and 108 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Moreover, regarding dependent claim 101, Applicant traverses the characterization of the Office Action. Applicant cannot find in the cited reference a method including: "insulating the conductive member from the case." In contrast, in Stevenson et al., the ferrule 28 is electrically connected to housing 22 by means of a welded or brazed connection 38 (Col. 6, lines 20-26). Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 41-44, 103, 105 and 107 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stevenson et al. (U.S. 5,333,095) in view of Nutzman (U.S. 6,141,205).

Claims 41-42

Applicant traverses the obviousness rejection of claim 41 since there is no suggestion to combine the references and even if combined, the cited references fail to teach or suggest all of the elements of applicant's claimed invention.

To support an obviousness rejection, the reference (or references when combined) must teach or suggest all the claim elements. M.P.E.P. § 2142. Claim 41 recites a method including "installing a feedthrough assembly, ... the feedthrough assembly comprising a conductive member having a passage therethrough, and filling the case with an electrolyte solution through the passage." Even if combined, the cited references do not include such subject matter. Nutzman discusses filling an electrolytic capacitor case with electrolyte through a fill port hole 106. (Figure 10). Stevenson does not describe an electrolytic capacitor at all. Accordingly, if combined, the combination would at most provide a fill port hole somewhere in the housing of Stevenson. Thus, the combination would not include filling the case with an electrolyte solution through the passage of a conductive member of a feedthrough assembly, as recited in claim 41.

Moreover, there is no suggestion to combine the references. Again, Nutzman discusses filling an electrolytic capacitor case with electrolyte through a fill port hole 106. This inherently teaches away from filling the case through a passage in a feedthrough assembly.

Also, combining the references would destroy the stated purpose of the Stevenson reference. Stevenson is directed to a filter capacitor 24 that surrounds a feedthrough assembly 10 in the housing 22 of a medical device 14, such as a pacemaker or defibrillator. (Figures 1 and 2 of Stevenson, and accompanying discussion). The feedthrough assembly 10 provides a connection to electronic components within the medical device 14. (Col. 5, line 24). However, filling the housing 22 of medical device 14 with an electrolyte solution would damage or ruin the electronic components with the device. This is because device 14 is not an electrolytic capacitor, as recited in claim 41. Thus, filling device 14 with electrolyte solution would render the medical device 14 unsatisfactory for its intended purpose.

Claim 42 includes each limitation of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 43-44

Applicant traverses the obviousness rejection of claim 43 since, even if combined, the cited references fail to teach or suggest all of the elements of applicant's claimed invention.

To support an obviousness rejection, the reference (or references when combined) must teach or suggest all the claim elements. M.P.E.P. § 2142. Claim 43 recites a method including "disengaging a terminal coupled to the medical device from a feedthrough passage of the first capacitor; and installing the same terminal into a feedthrough passage of the second capacitor." Applicant cannot find this subject matter in either reference.

Claim 44 includes each limitation of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 103, 105 and 107

Claims 103, 105, and 107 depend from parent claim 100, and are not obvious in view of the cited references since, even if combined, the combination does not include each limitation recited in the claim. For instance, Applicant cannot find in the combination "mounting a feedthrough terminal to the passage of the conductive member such that the feedthrough terminal and the conductive member are electrically coupled," as recited in parent claim 100. Reconsideration and allowance is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of November, 2005.

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